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January 9, 2024

BY ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Kevin Gamble v. Assistant Commissioner Cort, et al.*,
23 Civ. 06443 (LGS)

Your Honor:

I am an Assistant Corporation Counsel¹ in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing Defendants Assistant Commissioner Antionette Cort and Captain Erica Dixon² in the above-referenced matter. Defendants write: (i) pursuant to the Court's October 30, 2023 Order (ECF No. 17) directing Defendants to confirm that arrangements have been made for Plaintiff to participate in the initial pretrial conference; and (ii) to submit a proposed civil case management plan, pursuant to the same Order (ECF No. 17).

By way of background, on October 30, 2023, the Court scheduled the initial pretrial conference for January 17, 2024, at 4:20 p.m. ECF No. 17. The Court further ordered that Defendants file a letter confirming that necessary arrangements have been made for Plaintiff, who is currently incarcerated and proceeding *pro se*, to participate in the initial conference. *Id.* The parties were also to submit a joint proposed civil case management plan. *Id.*

Defendants contacted Collins Correctional Facility, where Plaintiff is incarcerated, and requested that Plaintiff be made available at the time and date of the initial conference. The facility informed Defendants that it cannot make Plaintiff available for a 4:20 p.m. conference because the

¹ This case has been assigned to Assistant Corporation Counsel Jordan Vanorsdale, who is awaiting her admission to the New York State Bar. Ms. Vanorsdale is handling this matter under my supervision and may be reached at jvanorsd@law.nyc.gov.

² Captain Dixon is sued herein as "Captain Gainous #1804."

last shift for legal calls ends at 3:30 p.m. The facility requested that the conference take place at 2:00 or 2:30 p.m. on January 17, 2024, so that it can make Plaintiff available to participate. Therefore, Defendants respectfully request on Plaintiff's behalf, that the initial pretrial conference be rescheduled for 2:00 p.m. or 2:30 p.m. on January 17, 2024, so that Plaintiff may participate, or at another future time and date convenient to the Court.

Further, Defendants called Collins Correctional Facility on January 5, 2024, for a scheduled call with Plaintiff to discuss a discovery schedule, so that the parties could jointly propose a civil case management plan pursuant to the Court's October 30, 2023 Order. However, the facility informed the undersigned that Plaintiff refused to come to the phone. Defendants asked the operator to inform Plaintiff that the Court had ordered both parties to file a joint civil case management plan in his case. Because Plaintiff refuses to speak with the undersigned, the proposed civil case management plan attached hereto is not filed jointly.

Defendants thank the Court for its consideration of this matter.

Respectfully submitted,

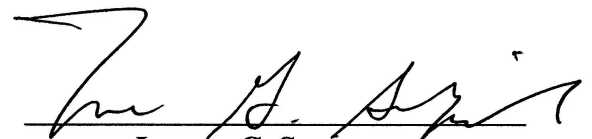


Jeffrey F. Frank
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cc: **BY FIRST CLASS MAIL**
Kevin Gamble
Plaintiff *Pro Se*
NYSID: 05031966Q
Collins Correctional Facility
Middle Road
Collins, NY 14034

Application GRANTED. The initial pretrial conference scheduled for January 17, 2024, at 4:20 p.m., is adjourned to **January 24, 2024, at 2:30 p.m.** No later than **January 12, 2024**, the parties shall jointly submit the letter described in the Order at Dkt. 7. If Plaintiff refuses to cooperate in preparation of the letter, Defendant shall complete and file the letter by itself. By **January 12, 2024**, Defendant shall also confirm that arrangements have been made for Plaintiff to participate in the January 24 conference.

Dated: January 10, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE